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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

<p>ALUCENT BIOMEDICAL, INC., v. CLINICAL SERVICES CORPORATE OPERATIONS, INC.,</p> <p style="text-align: center;">Plaintiff, Defendant.</p>	<p>CASE NO.: 2:23-cv-00445-HCN</p> <p style="text-align: center;">DECLARATION OF MYLES GREENBERG IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION</p> <p style="text-align: center;">Judge Howard C. Nielson, Jr.</p>
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I, Myles Greenberg, hereby declare as follows:

1. I am the Chief Executive Officer of Plaintiff Alucent Biomedical, Inc. (“Alucent”).
2. Alucent is a biotechnology company in the business of developing therapies to treat vascular disease. Alucent has been a standalone company since 2014, and has consistently used the term “Alucent” in commerce since that time (the “Alucent Marks”).
3. Alucent has created a unique technology that uses light to photoactivate a molecular compound that creates durable links within a blood vessel’s native connective tissue.

4. Because of the centrality of light in the mechanism of action for its drug-device, Alucent selected its name as a reference to the word, “lucent,” which means “glowing with light.” The name also invokes the Latin verb “The Latin verb alluceo “means to shine upon.” The English adjective “lucent” means “glowing with or giving off light.”

5. Alucent describes its processes as “lighting the way to sustainable patency.”

6. In January 2018, Alucent filed for two trademarks, Registration Nos. 5535737 and 5544706, one for a (the “Registered Marks”). On August 7 and 21, 2018, respectively, the United States Patent and Trademark Office (“USPTO”) granted registrations. A true and correct copy of the registrations are attached hereto as **Exhibit A**.

7. Alucent has never authorized Defendant Clinical Services Corporate Operations, Inc. (“Defendant”) to use the name “Allucent” (the “Infringing Mark”). Defendant’s use of “Allucent” sounds identical to Plaintiff’s use of “Alucent.”

8. On March 17, 2022, Allucent filed several applications for the “ALLUCENT” in various classes. A true and correct copy of these applications for the Infringing Mark from the USPTO website are attached hereto as **Exhibit B**.

9. In 2023, soon after learning of Allucent’s infringement on Alucent’s trademarks, Alucent sent a cease-and-desist letter to Allucent objecting to Allucent’s infringement.

10. Allucent continued to infringe on Alucent’s trademarks, and conveyed a response letter specifically stating that it would continue to use the Infringing Marks.

11. According to Allucent’s website, allucent.com, Allucent “is on a mission to bring new therapies to light,” acts as a “global provider of comprehensive drug development solutions,” and includes “cardiology and vascular” as a specialty area for their company.

Allucent is actively operating in commerce in various ways that cause confusion in the marketplace, throughout the country and in Utah. True and correct screenshots of Allucent's website advertisements, Utah job search postings, and other infringements, are attached hereto as **Exhibit C.**

12. Alucent operates websites under the domain names www.alucentmedical.com and www.alucentbiomedical.com.

13. Since 2014, Alucent has been developing its novel treatments for peripheral artery disease. Alucent is also developing novel treatments for arteriovenous fistula maturation. Such efforts are resource intensive, and involve numerous activities around the country including research activities, joint research activities with various commercial partners, clinical trials, human trials, marketing, fundraising, and advertising. Alucent expends significant resources in marketing to (1) highly capable potential employees to help advance its drug development mission; (2) people with vascular disease, (3) doctors, (4) potential investors, (5) potential employees, and (6) other drug companies

14. Allucent is involved in marketing specific research services to various companies within the biotechnology industry; these efforts have caused confusion in the marketplace, and I believe will continue to cause confusion.

I declare under the penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

DATED: July 11, 2023

/s Myles Greenberg
Myles Greenberg